

### **REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1-17 and 19-29 were pending. By the present response, claims 1, 14 and 29 have been amended and claims 3 and 15 have been cancelled. Thus, upon entry of the present response, claims 1-2, 4-14, 16-17 and 19-29 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims

Entry of the foregoing is appropriate pursuant to 37 C.F.R. §1.116 for at least the following reasons. First, the response addresses the new grounds of rejection under 35 U.S.C. §112, first paragraph, thereby reducing the number of issues present upon appeal. Second, the amendments raise no new issues that would necessitate further search and/or substantive reexamination. Third, the amendments clearly overcome the grounds of rejection.

### ***CLAIM INTERPRETATION***

Applicant notes that independent claims 1, 14 and 29 now recite the features of the acid species defined in now canceled claims 3 and 15.

**ALLOWABLE SUBJECT MATTER**

Applicant notes with appreciation the indication that claims 3, 6-10, 15 and 20-24 would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims, as noted in paragraph 11 of the Official Action. By the present response, independent claims 1 and 14 have been amended to include the features of allowable claims 3 and 15, respectively. Thus, independent claims 1 and 14 and their dependent claims 2, 5-13, and 16-28 are also allowable. Further, independent claim 29 has been amended in a manner similar to the amendment to independent claims 1 and 14, and is therefore allowable over the cited references for the same reasons.

**CLAIM REJECTIONS UNDER 35 U.S.C. §112**

Claim 29 stands rejected under 35 U.S.C. §112, first paragraph, on the grounds set forth in paragraph 3 of the Official Action. This rejection is respectfully traversed.

Specifically, page 3, lines 14-19 of the specification provides support for this claim. This portion of the originally filed specification reads as follows:

The invention concerns a sol of a rare earth phosphate, the rare earth being cerium or lanthanum, more precisely an orthophosphate with formula  $\text{LnPO}_4$ , Ln designating the rare earth. This orthophosphate is hydrated and has a hexagonal structure. The invention is, of course, applicable to mixed cerium and lanthanum phosphates  $(\text{La,Ce})\text{PO}_4$  and the term "rare earth phosphate" will be used in a general manner in the remainder of the description with the meaning which has just been defined in this paragraph.

The first portion of this paragraph discloses that the rare earth phosphate is cerium or lanthanum. However, the next disclosure clearly contemplates by the term

"mixed" that the rare earth phosphate can be of a mixed variety, e.g., cerium phosphate and lanthanum phosphate, and that the mixture can include the cerium version and the lanthanum version of the orthophosphate.

Thus, one of ordinary skill in the art reading the disclosure would have appreciated that the forms of the rare earth phosphate can include a) particles of a phosphate of one rare earth-consisting of cerium (claim 1); b) particles of a phosphate of one rare earth consisting of lanthanum (claim 14); or c) a mixture of particles of a phosphate of one rare earth-consisting of cerium and particles of a phosphate of one rare earth-consisting of lanthanum (claim 29). Based on the above, reconsideration and withdrawal of the rejection is respectfully requested.

***CLAIM REJECTIONS UNDER 35 U.S.C. §102***

Claims 14, 16-17, 19 and 25-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Boakye et al., "Porous Aluminum Oxide and Lanthanum Phosphate Fiber Coatings" (hereafter "*Boakye et al.*") on the grounds set forth in paragraph 5 of the Official Action. This rejection is moot in view of the amendments to the independent claims incorporating allowable subject matter. Withdrawal of the rejection is respectfully requested.

***CLAIM REJECTIONS UNDER 35 U.S.C. §103***

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Boakye et al.* on the grounds set forth in paragraph 8 of the Official Action. This rejection is moot in view of the amendments to the independent claims incorporating allowable subject matter. Withdrawal of the rejection is respectfully requested.

Claims 1-2, 4-5, 11-13 and 28-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Boakye et al.* as applied to claims 14-17 above, and further in view of U.S. Patent No. 5,858,465 to Hunt et al. (hereafter "*Hunt et al.*") on the grounds set forth in paragraph 9 of the Official Action. This rejection is moot in view of the amendments to the independent claims incorporating allowable subject matter. Withdrawal of the rejection is respectfully requested.

Claims 12 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Boakye et al.*, as applied to claims 1-2, 4-5, 11-13, 14, 16-19 and 25-27 above, and further in view of U.S. Patent No. XP-002129788 to Shoji et al. (hereafter "*Shoji et al.*") on the grounds set forth in paragraph 10 of the Official Action. This rejection is moot in view of the amendments to the independent claims incorporating allowable subject matter. Withdrawal of the rejection is respectfully requested.

#### **INFORMATION DISCLOSURE STATEMENT**

An Information Disclosure Statement (IDS) accompanies this Amendment.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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